

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID DAVIS,

Plaintiff

v.

CLARK COUNTY DETENTION CENTER
MEDICAL DEPT.,

Defendant.

Case No. 2:20-cv-01652-RFB-EJY

ORDER

I. DISCUSSION

On September 8, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a document titled Medical Negligence, Medical Malpractice, Refusal of Medical Services by a Hospital & Real M.D.s. ECF No. 1-1. Plaintiff has not submitted a complaint or a fully complete application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **August 9, 2021** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 The Court will grant Plaintiff a **one-time extension** to file a complaint and a fully complete
 2 application to proceed *in forma pauperis* containing all three of the required documents on or before
 3 **August 9, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of
 4 time. If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*
 5 *pauperis* with all three required documents on or before **August 9, 2021**, this case will be subject to
 6 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to
 7 file a complaint and acquire all three of the documents needed to file a fully complete application to
 8 proceed *in forma pauperis*.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 10 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three
 11 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
 12 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full
 13 filing fee of \$402 on or before **August 9, 2021** to proceed with this case.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint
 16 to this Court on or before **August 9, 2021**.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved
 18 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
 19 shall also send Plaintiff a copy of his Medical Negligence, Medical Malpractice, Refusal of Medical
 20 Services by a Hospital & Real M.D.s. (ECF No. 1-1).

21 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
 22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **August 9, 2021**, Plaintiff shall either pay the
 25 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
 26 fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
3 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
5 (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
9 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for
10 a civil action on or before **August 9, 2021**, this case will be subject to dismissal without prejudice
11 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file
12 a complaint and has all three documents needed to file a complete application to proceed *in forma*
13 *pauperis* or pays the full \$402 filing fee.

14 DATED this 11th day of June, 2021.

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16 ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE
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